



KENTUCKY BOARD OF PHYSICAL THERAPY

Steven L. Beshear
Governor

312 Whittington Pkwy, Suite 102
Louisville, KY 40222
Phone (502) 429-7140
Fax (502) 429-7142
<http://pt.ky.gov>

Rebecca E. Klusch
Executive Director

MINUTES OF MEETING January 15, 2009

Board Members Present: Ron Barbato, PT, Chair
Peggy Block, PT, Chair-elect
Troy Grubb, PT
Kristie Cochrane, PT
Margaret Blain, PT
Janice Kuperstein, PT
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel
Brian Fingerson, RPh
Jennifer Back, UK Pharmacy Student

A meeting of the Kentucky Board of Physical Therapy Complaint Committee was called to order at 3:15 p.m., Wednesday, January 14, 2009, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Kristie Cochrane. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Kristie Cochrane. Motion carried. The committee meeting adjourned at 5:30 p.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Ron Barbato, at 9:15 a.m., Thursday, January 15, 2009, at the Board office. A quorum was present.

Motion was made by Peggy Block, seconded by Kristie Cochrane to approve the minutes as amended of the November 20, 2008, Board meeting. Motion carried.

Motion was made by Virginia Johnson, seconded by Troy Grubb to amend the minutes of the September 25, 2008, Board meeting. Motion carried.

Complaint Committee

Dubin Orthopaedic Centre, P.S.C v. Kentucky Board of Physical Therapy. The Supreme Court has granted Discretionary Review of the Court of Appeals decision to be ruled on by the Kentucky Supreme Court. The briefs have been submitted, and no oral argument is to be held.

C2006-20 and C2007-01 *Kentucky Board Physical Therapy v. Ron Cole, P.T.* The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the Settlement Agreement. The Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee member Troy Grubb recused from voting. A motion was made by Margaret Blain, seconded by Virginia Johnson to forward the appropriate documents to State and Federal authorities regarding any possible violations of state and federal laws for further review by the appropriate authorities. Motion carried. Troy Grubb has been appointed as monitor.

The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Dismissal in the case of *Kentucky Board of Physical Therapy v. Emery Chatman*, Franklin Circuit Court No. 08-CI-00184 because the underlying administrative disciplinary action has been settled, as reflected above.

C2007-30 *Kentucky Board of Physical Therapy v. Connie Rinckel, P.T.*, and Hearing is scheduled for January 15, 2009, 1:30 p.m. at the Board office.

C2008-07 Case is ongoing.

BIC2008-13 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for a violation of KRS 327. The Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee member Troy Grubb recused from voting.

C2008-14 *Kentucky Board of Physical Therapy v. Mary Beth Barcus, P.T.*, Mary Beth Barcus, PT, appeared before the Board. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to approve the Settlement Agreement with modifications. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting. Janice Kuperstein has been appointed as monitor.

C2008-16 Case is ongoing.

BIC2008-19 Case is ongoing.

C2008-22 Case is ongoing.

C2008-24 Case is ongoing.

C2008-25 Case is ongoing.

C2008-27 – *Kentucky Board of Physical Therapy v. Angelene Lee Fields, P.T.A.*, The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the Conditional Reinstatement of Physical Therapist Assistant certificate. Recommendation died for lack of a second. Additional settlement authority was given to Board Counsel. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

C2008-28 Case is ongoing.

C2008-29 Case is ongoing.

C2006-15 Motion was made by Virginia Johnson to go into closed session to discuss pending litigation per KRS 61.810(1) (c) and (j), seconded by Janice Kuperstein. All in favor 5/0. Motion was made by Troy Grubb to come out of closed session, seconded by Janice Kuperstein. All in favor 5/0. Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Verified Complaint for Injunctive Relief under KRS 327.990(3) in *Kentucky Board of Physical Therapy v. Healing Hands Chiropractic Center, P.S.C. and Tristin R. Thompson, D.C.*, Settlement authority was given to Counsel. The Board approved the recommendation, seconded by Troy Grubb. Motion carried. Complaint Committee members Kristie Cochrane and Ron Barbato recused from voting.

The Board reviewed with approval the IPTPC report submitted by Brian Fingerson.

Traci Tomlin, PTA, requested Reinstatement of physical therapist assistant certificate that expired in 2005 with no current license from any other jurisdiction. A motion was made by Peggy Block, seconded by Troy Grubb to require successful completion of a Board approved PTA Refresher Course and strongly encourage supervised practice. Motion carried.

Motion was made by Peggy Block, seconded by Virginia Johnson to review the evidence in C2006-20 for the Complaints Committee to determine whether to open board-initiated complaints on any other therapists who were allegedly involved in engaging in fraud or material deception in the delivery of professional services, including reimbursement involving alleged overcharging for the use of a cool laser.

Update on Monitoring Probations

Update on monitoring probations was given for the following with approval: Mark Portaro, PT, Matt Jones, PT and, April Coldiron, PT.

Board and Administrative Business

Troy Grubb made a motion, seconded by Janice Kuperstein, to revise 201 KAR 22:070 Section 2 by deleting a and b.

The Board will continue working on ideas and questions for the 2009-11 Jurisprudence Exam. Peggy Block and Janice Kuperstein have volunteered to write the Exam.

Troy Grubb and Peggy Block volunteered to be on a committee to approve applications for "Temporary Hardship Exemption" in 201 KAR 22:045 Section 2 (5).

Other Board Matters

Based on the Federation of State Boards of Physical Therapy's change in eliminating the paper and pencil ADA accommodations in taking the NPTE, the Board will provide these accommodations as warranted.

CAPTASA is scheduled for January 23-25, 2009, in Lexington, Kentucky.

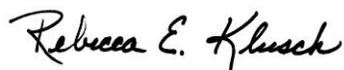
Executive Director will be attending the FARB seminar in Tampa, Florida on January 23-25, 2009.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending December 31, 2008.

A motion was made by Margaret Blain, seconded by Kristie Cochrane to adjourn the meeting at 5:10 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch
Executive Director